

Senator Rainey moved to postpone bill till Monday next. Motion lost.

The vote was then taken on pending substitute.

No quorum voting, Senator Stewart moved a call of the Senate. Call sustained.

Roll called. Absent, Senator Burges.

Pending business went to the table.

On motion of Senator Ross, Senator Martin of Navarro was excused until Wednesday next on account of sickness in his family.

On motion of Senator Duncan, the call of the Senate was suspended.

Senator Rainey moved to adjourn till Monday morning at 9 o'clock. Lost

Senator Duncan, by leave, introduced a bill entitled "An act to provide for the employment of official stenographers in the district courts of the Second Judicial District of the State of Texas." Read by caption and referred to Judiciary Committee No. 1.

Senator Lane, chairman of the Committee on Finance, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 134, entitled "An act to provide for the issuance of manuscript bonds of the State, for the funds derived from the sale of lands belonging to the State University, the public free schools of the State, and of lands set apart to the several counties for school purpose, etc.," after careful examination of the same, instruct me to report the same back to the Senate, with the accompanying substitute, and recommend that such substitute do pass.

LANE, Chairman

Bill read first time.

On motion of Senator Lane, one hundred copies of the substitute were ordered printed.

Senator Stewart moved to adjourn until nine o'clock Monday morning. Lost.

Senator Stubbs moved to postpone the pending bill until Monday next. Ruled out of order, as the same motion had just been voted down.

Senator Buchanan of Grimes moved to adjourn until 9:30 A. M., Monday. Ruled out of order, as no business had intervened.

Senator Rainey moved to reconsider the vote by which the Senate refused to postpone the pending bill until Monday next. Adopted.

Senator Duncan moved a call of the Senate. Call sustained. Roll called. Absent, Senator Stewart.

Senator Burges moved that Senator Stewart be excused.

On motion of Senator Houston, the Senate adjourned until 3 o'clock P. M.

EVENING SESSION.

Senate met pursuant to adjournment; the President pro tem. in the chair.

Roll called; quorum present.

Senator Houston moved to suspend the regular order, and take up unfinished business.

Senator Davenport raised the point of order, that no motion to suspend regular order could be entertained until after the morning call.

Pending the ruling of the President pro tem. on the the point of order, Senator Houston withdrew his motion.

Senator Davenport introduced a bill entitled "An act to restore to the county courts of Eastland, Stephen, Callahan and Taylor counties the criminal jurisdiction heretofore had and exercised by said courts, under the Constitution and general laws of the State, and to conform the jurisdiction of the district courts of said counties to such change." Referred to Judiciary Committee No. 1.

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The following message was received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, February 19, 1881.

To the Honorable the Senate and House of Representatives in the Legislature assembled:

The Hon. J. H. McLeary, Attorney-General, and Judge George Clark, of the firm of Clark & Dwyer of Waco, the attorneys in the prosecution of suits in regard to the university lands, situated in McLennan and Hill counties, have had the matter under consideration, and have presented their conclusions as to the best mode of disposing of the subject in the shape of a bill drawn up by them, which I herewith submit, and ask for it favorable consideration and action by the Legislature.

Respectfully submitted,

O. M. ROBERTS, Governor.

On motion of Senator Houston, the message and accompanying bill were referred to Judiciary Committee No. 1.

Senate bill No. 1, "An act to amend article 3704, Revised Statutes of Texas," being special order, was taken up.

Senator Houston moved to postpone the pending bill and take up unfinished business. Adopted, and Senate bill No. 102 (general appropriation bill) taken up.

Senator Lane moved that Senators Stewart and Burges be excused for this evening.

Senator Buchanan of Grimes moved a call of the Senate. Call sustained. Roll called. Absent—Senators Burges, Martin of Cooke and Stewart.

On motion of Senator Duncan, the Senate adjourned until 9 o'clock Monday morning.

THIRTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, February 21, 1881. }

Senate met pursuant to adjournment; the President pro tem. in the chair.

Roll called; quorum present.

Prayer by Rev. Mr. Philpott of Austin.

On motion of Senator Davenport, the reading of the journals of Saturday was dispensed with, and the same adopted.

Senator Davenport presented a petition of citizens of Coleman county, asking that the Legislature legalize the sale of certain town lots in the town of Coleman heretofore made, not in accordance with the law with reference to the sale of town lots belonging to counties. Referred to Judiciary Committee No. 1.

Senator Wynne presented a petition of 404 citizens of Rusk county, praying a constitutional amendment prohibiting the importation, manufacture and sale of ardent spirits in this State. Referred to Committee on Constitutional Amendments.

Senator Weatherred, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 191, entitled "An act to amend 'an act prescribing the times of holding the district courts in the First Judicial District, and regulating the return of process therein,'" have duly considered the same, and instruct me to report the same back to the Senate and recommend its passage.

WEATHERRED, Chairman.

Bill read first time.

Senator Wynne introduced a bill entitled "An act to amend articles 2394 and 2395 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879." Referred to Judiciary Committee No. 1.

Senate bill No. 27, entitled "An act concerning factors and commission merchants," was taken up as first special order.

On motion of Senator Duncan, special order was postponed till Thursday next.

Senator Duncan also moved to take up out of its order Senate bill No. 102, being the general appropriation bill. Lost.

Senate bill No. 19, "An act to amend article 4662, chapter 1, title 95, of the Revised Civil Statutes of the State of Texas, so as to reduce the ad valorem State tax to the rate of forty cents on a hundred dollars," being next special order, was taken up and, on motion of Senator Duncan, postponed until Thursday next.

Senate bill No. 7, "An act to create a commission to sell and lease the public lands of the State of Texas," being next special order, was taken up and, on motion of Senator Stubbs, was postponed until Wednesday next.

On motion of Senator Davenport, Senator Stewart was excused for one week from Wednesday next.

On motion of Senator Houston, Senator Rainey was excused for one week from Wednesday next.

(President in the chair.)

Senate bill No. 102 (the general appropriation bill), being next special order, was taken up.

The amendment of Senator Buchanan of Grimes to the amendment of Senator Lightfoot, pending on adjournment, was lost.

Senator Hightower offered the following substitute for the pending amendment of Senator Lightfoot: Amend Comptroller's Office, page 5, so as to read as follows: Line 5, 1000, 1000; line 8, 1000, 1000; line 10, 1500, 1500; line 11, 1000, 1000; line 13, 1200, 1200; line 14, 1000, 1000; line 16, 1200, 1200; line 17, 1200, 1200; line 19, 1200, 1200; page 6, line 2, 1000, 1000; line 3, 1000, 1000; line 5, 1000, 1000; line 7, 1000, 1000.

Senator Lightfoot moved to recommit that portion of the bill embracing the Comptroller's Department to the Committee on Finance. Lost.

Senator Hightower's amendment was adopted.

Senator Houston, by consent, withdrew his substitute offered on Saturday.

The following communication was transmitted to the Senate by his Excellency the Governor:

PALESTINE, February 20, 1881.

His Excellency, Gov. O. M. Roberts, Austin:

The International and Great Northern Railroad will run an excursion train from Austin to San Antonio, leaving Austin, Monday, twenty-first, at 1 P. M., and a cordial invitation is extended to yourself, the State officials and the members of the Legislature to visit San Antonio; return on either Tuesday evening or Wednesday, as you may desire. Our ticket agent, P. J. Lawless, will furnish tickets, good each way.

Will you kindly advise me of your acceptance, and oblige,

Your obedient servant,

H. M. HOXIE, V. P. & G. S.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 153, "An act to amend articles 2076 and 2077, title 37, chapter 22, of the Revised Civil Statutes, and providing for the advertising of public judicial sales of real estate."

Senate bill No. 125, "An act to authorize and require the Commissioner of the General Land Office to issue a patent on certificate No. 201, to the Mexican Telegraph Company."

Substitute for Senate bills Nos. 30 and 70, entitled, "An act to establish the Twelfth, Fourteenth, Seventeenth, Twentieth, Thirtieth and Thirty-third Judicial Districts, and prescribing the times of holding the courts therein, and to provide for the appointment of

a district attorney in the Twentieth, and a district judge in the Thirty-third, Judicial Districts, and to provide for holding terms of the district court in certain unorganized counties," and find said bills correctly engrossed.

BUCHANAN, Chairman.

Senator Lane offered the following amendment to Lunatic Asylum department of pending bill: Amend line 6, page 6, by striking out 10 and inserting 12. Amend line 1, page 7, by striking out 8 and inserting 10 female wards, and by striking out 1920, 1920, and inserting 2500, 2500. In line 2 strike out 4 and insert 5, and strike out 960, 960 and insert 1200, 1200. In line 3 strike out 3 and insert 5, and strike out 720, 720 and insert 1200, 1200. Amend line 4 by adding 1 night watch woman, and strike out 300, 300 and insert 600, 600. Amend by adding 1 baker 480, 480, 2 farm laborers 480, 480. Adopted.

Senator Martin of Cooke, offered the following amendment: On page 6, Lunatic Asylum, line 1, strike out 2000, 2000, and insert 2500, 2500. Lost.

The President signed Senate bill No. 155, "An act to reorganize the Twenty-fifth Judicial District of the State of Texas, and to prescribe the times for holding the district courts therein."

Also, Senate bill No. 104, "An act prescribing the times for holding terms of the county court for criminal business in Grayson and Dallas counties."

Senator Duncan moved to reconsider the vote refusing to adopt the amendment of Senator Martin of Cooke.

Adopted by the following vote:

YEAS—18.		
Buchanan of Grimes	Houston,	Stewart,
Burges,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Gooch,	Moore,	Tilson,
Henderson,	Powers,	Weatherred,
Hightower,	Ross,	Wynne.
NAYS—4.		
Davenport,	Lair,	Rainey.
Homan,		

Senator Swain moved a call of the Senate. Call sustained. Roll called. Absent—Senators Burton and Terrell.

Senator Davenport moved that Senator Terrell be excused. Adopted.

On motion of Senator Homan, Senator Burton was excused.

Senator Martin's amendment was lost by the following vote:

YEAS—11.		
Gooch,	Lightfoot,	Stubbs,
Henderson,	Martin of Cooke,	Tilson,
Hightower,	Moore,	Wynne.
Lane,	Powers,	
NAYS—13.		
Buchanan of Grimes	Homan,	Ross,
Burges,	Houston,	Stewart,
Cooper,	Lair,	Swain,
Davenport,	Rainey,	Weatherred.
Duncan,		

Senator Duncan moved to reconsider the vote adopting Senate concurrent resolution to adjourn and visit San Antonio, etc.

Senator Houston raised the point of order that the time to make or enter such motion had elapsed, and also that the resolution had been adopted by the House, and was now out of the power of the Senate. Point of order sustained.

Senator Burges presented the following communication to the Senate.

AUSTIN, February 18, 1881.

Honorable Senators and Representatives of the State of Texas:

Sirs—I would respectfully represent to you that I am now, and have been during the past seven years, patenting clerk in the General Land Office, and in addition to the duties that devolve upon me

as clerk, I have had the constant supervision and direction of from six to ten other clerks, according to the amount of work required of the patenting department, thereby rendering my duties more arduous to myself and of more importance to the State. In consideration of these facts, I respectfully ask that my salary be increased commensurate with the service I am expected to perform.

Respectfully,

J. V. DAVIS.

GENERAL LAND OFFICE,
AUSTIN, February 18, 1881.

I cheerfully endorse the within application for the increase of salary for this department.

Respectfully,

W. C. WALSH, Commissioner.

A message was received from the House of Representatives, announcing the passage by that body of Senate bill No. 164, entitled "An act validating the proceedings of the county court of Jackson county," and that the House had passed the following concurrent resolution.

WHEREAS, Major H. M. Hoxie has extended a cordial invitation to the Governor, State officers and members of the Legislature to an excursion trip over the International railroad from Austin to San Antonio and return; therefore, be it

Resolved, That the House of Representatives, the Senate concurring, do accept with thanks the invitation of Major Hoxie for the courtesy extended to the Legislature.

Senator Wynne offered the following amendment: Amend by adding in line 7, page 8, before the words "assistant draftsmen," the word "eight," and strike out 9000, 9000 and insert 9600, 9600.

Senator Houston asked a division of the question. Question divided and adopted.

Senator Stubbs offered the following amendment: Amend General Land Office, page 7, line 3, by substituting 1800, 1800 for 1500, 1500. Lost by the following vote:

YEAS—11.

Buchanan of Grimes	Lair,	Swain,
Burges,	Lane,	Tilson,
Burton,	Powers,	Wynne.
Duncan,	Stubbs,	

NAYS—13.

Cooper,	Houston,	Rainey,
Davenport,	Lightfoot,	Ross,
Gooch,	Martin of Cooke,	Stewart,
Hightower,	Moore,	Weatherred.
Homan,		

Senator Swain offered the following amendment: Strike out line 4, on page 8, and insert "fifteen assistants at not more than \$75 per month each, 13,500, 13,500." Adopted.

Senator Burges offered the following: Amend in line 3, on page 8: Strike out \$1000 wherever it occurs and insert \$1200 instead thereof. Lost by the following vote:

YEAS—11.

Buchanan of Grimes,	Powers,	Swain,
Burges,	Rainey,	Tilson,
Henderson,	Stewart,	Wynne.
Lightfoot,	Stubbs,	

NAYS—13.

Cooper,	Homan,	Martin of Cooke,
Davenport,	Houston,	Moore,
Duncan,	Lair,	Ross,
Gooch,	Lane,	Weatherred.
Hightower,		

NOT VOTING.

Burton.

Senator Gooch offered the following under head of General Land Office: In line 4, page 7, and line 5, page 8, substitute 1500, 1500 for 1800, 1800.

Senator Lane asked a division of the question.

Senator Gooch withdrew the portion of the amendment with regard to line 5, page 8, and the other part of the amendment was lost.

Senator Homan offered the following: Page 8, line 1, strike out 1800, 1000 and insert 2000, 2000.

Senator Duncan offered the following amendment to the

pending amendment: After figures 2000 insert one to receive 1100 and the other 900 dollars. Accepted, and as amended adopted.

Senator Cooper entered a motion to reconsider the vote by which the amendment of Senator Stubbs this morning was lost.

Senator Swain offered the following amendment: Insert on page 9, after line 1, under the head of penitentiaries, viz:

To provide machinery, tools, apparatus, etc., to put into operation the East Texas penitentiary, for the year ending February 28, 1882, \$75,000. For the year ending February 28, 1883, \$75,000.

To provide for new cell buildings and improvements at Huntsville, for the year ending February 28, 1882, \$60,000. For the year ending February 28, 1883, \$60,000.

To provide for a reformatory for youthful convicts, for the year ending February 28, 1882, \$25,000.

For library at Huntsville, \$500.

For library at Rusk, \$500.

The appropriations made in the last foregoing seven items, shall be expended by and under the direction of a board, to consist of the Governor, State Treasurer and superintendent of the penitentiaries, to be called the "State Penitentiary Board," and in such manner as they may deem to the best interest of the State. The hire of the convicts under the lease shall be paid into the Treasury, to meet this appropriation, as far as it will do so, or the board may contract with the lessees to make the improvements or purchase the machinery, etc., or either, and be paid by credits on the amount due and to be come due from them under their lease.

Senator Burges offered the following amendment to the amendment of Senator Swain.

Provided, That no part of the sum herein appropriated to purchase machinery for the East Texas penitentiary shall be expended until a railroad is completed to said penitentiary.

On motion of Senator Burges, the Senate adjourned until 11 o'clock A. M. Wednesday, in obedience to concurrent resolution of the Legislature already adopted by both houses.

THIRTY-SEVENTH DAY.

SENATE CHAMBER, }
AUSTIN, February 23, 1881. }

Senate met pursuant to adjournment; President in the chair.

Roll called; quorum present.

On motion of Senator Davenport, the reading of the journals of Monday was dispensed with, and same adopted.

Also, that the morning session, as no quorum was present, be not published. Adopted.

Under the new order of business, the roll of Senators was called in alphabetical order.

Senator Buchanan of Grimes called up, under said rule, House bill No. 345, entitled "An act to create the Thirty-fourth Judicial District, and prescribing the time of holding district courts therein, and to provide for the appointment of a district judge and district attorney therein."

The bill was read second time and passed to third reading.

On motion of Senator Shannon, the rules were suspended and bill placed on its third reading by the following vote:

YEAS—25.

Buchanan of Grimes	Hightower,	Rainey,
Buchanan of Wood,	Homan,	Ross,
Burton,	Lair,	Shannon,
Cooper,	Lane,	Stubbs,
Davenport,	Lightfoot,	Swain,
Duncan,	Martin of Navarro,	Tilson,
Gooch,	Moore,	Weatherred,
Harris,	Powers,	Wynne.
Henderson,		

NAYS—none.